

In re) Fair Hearing No. 20,654
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Appeal of)

The petitioner appealed a decision of the Department for Children and Families denying his application for Food Stamp benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner is a fifty-seven year old disabled individual. Petitioner receives Social Security Disability benefits. His monthly gross income is \$1,712.50. The Social Security Administration deducts \$88.50 per month for Medicare Parts A & B leaving the petitioner with \$1,624 per month.

2. At the hearing held on January 11, 2007, the petitioner did not dispute the Department's determination that his net countable income is \$1,196.49 after deducting the standard deduction, allowed medical expenses, and the shelter/utility allowance.

3. The food stamp maximum net income for a household of one is \$817 per month and the maximum gross monthly income is \$1,062.

4. Petitioner presented testimony and evidence that his expenses for necessities is the equivalent of his income leaving no room for either certain prescription medications nor for unexpected expenses such as home repairs, car repairs, etc.

5. The petitioner was advised if there were changes to his medical expenses and/or shelter expenses to reapply for Food Stamp benefits.

ORDER

The Department's decision is affirmed.

REASONS

A household with a disabled member may meet the income guidelines of the Food Stamp program by either having gross income or net income under the maximum income guidelines. Food Stamp Manual § 273.9(a). The petitioner has household income in excess of both the gross monthly income limit of \$1062 and the net monthly income of \$817. Procedures 2590-C.

Petitioner argues that the maximum income guidelines do not reflect reality and asks that we make a ruling which

supersedes the underlying regulations. The Human Services Board does not have the authority to do so. Our statutory authority states "[t]he board shall not reverse or modify agency decisions which are determined to be in compliance with applicable law, even though the board may disagree with the results effected by those decisions." 3 V.S.A. § 3091(d).

In conclusion, the Department's decision that the petitioner is ineligible for Food Stamp benefits based on his income must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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